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Nationality of natural persons in relation to the succession of States

Report of the Sixth Committee

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I. Introduction

1. The item entitled "Nationality of natural persons in relation to the succession of States" was included in the provisional agenda of the sixty-sixth session of the General Assembly pursuant to Assembly resolution 63/118 of 11 December 2008.

2. At its 2nd plenary meeting, on 16 September 2011, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 15th and 29th meetings, on 17 October and on 9 November 2011. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/66/SR.15 and 29).

4. For its consideration of the item, the Committee had before it a note by the Secretariat containing comments of Governments regarding the nationality of natural persons in relation to the succession of States (A/66/178 and Add.1), as well as previous notes by the Secretariat containing comments of Governments on the topic (A/63/113 and A/59/180 and Add.1 and 2).

II. Consideration of draft resolution A/C.6/66/L.18

5. At the 29th meeting, on 9 November, the representative of the Czech Republic, on behalf of the Bureau, introduced a draft resolution entitled "Nationality of natural persons in relation to the succession of States" (A/C.6/66/L.18).

6. At the same meeting, the Committee adopted draft resolution A/C.6/66/L.18 without a vote (see para. 8).

7. Also at the same meeting, the representatives of France and the Russian Federation spoke in explanation of position after the adoption of the draft resolution (see A/C.6/66/SR.29).

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III. Recommendation of the Sixth Committee

8. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Nationality of natural persons in relation to the succession of States

The General Assembly,

Having examined the item entitled "Nationality of natural persons in relation to the succession of States",

Recalling its resolution 54/112 of 9 December 1999, in which it decided to consider at its fifty-fifth session the draft articles on nationality of natural persons in relation to the succession of States prepared by the International Law Commission,

Recalling also its resolution 55/153 of 12 December 2000, the annex to which contains the articles on nationality of natural persons in relation to the succession of States,

Recalling further its resolutions 59/34 of 2 December 2004 and 63/118 of 11 December 2008,

Taking into consideration the comments and observations of Governments[1] and the discussions held in the Sixth Committee at the fifty-ninth, sixty-third and sixty-sixth sessions of the General Assembly[2] on the question of nationality of natural persons in relation to the succession of States, with a view, in particular, to preventing the occurrence of statelessness as a result of a succession of States, as well as on the advisability of elaborating a legal instrument on this question,

Taking note, in this regard, of the efforts made at the regional level towards the elaboration of a legal instrument on the avoidance of statelessness in relation to State succession,

1. *Reiterates its invitation* to Governments to take into account, as appropriate, the provisions of the articles contained in the annex to resolution 55/153, in dealing with issues of nationality of natural persons in relation to the succession of States;

2. *Once again encourages* States to consider, as appropriate, at the regional or subregional levels, the elaboration of legal instruments regulating questions of nationality of natural persons in relation to the succession of States, with a view, in particular, to preventing the occurrence of statelessness as a result of a succession of States;

3. *Emphasizes* the value of the articles in providing guidance to the States dealing with issues of nationality of natural persons in relation to the succession of States, in particular concerning the avoidance of statelessness;

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[1] A/59/180 and Add.1 and 2, A/63/113 and A/66/178 and Add.1.

[2] *Official Records of the General Assembly, Fifty-ninth Session, Sixth Committee*, 15th meeting (A/C.6/59/SR.15), and corrigendum; ibid., *Sixty-third Session, Sixth Committee*, 11th meeting (A/C.6/63/SR.11), and corrigendum; and ibid., *Sixty-sixth Session, Sixth Committee*, 15th meeting (A/C.6/66/SR.15), and corrigendum.

4. *Decides* that, upon the request of any State, it will revert to the question of nationality of natural persons in relation to the succession of States at an appropriate time, in the light of the development of State practice in these matters.